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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	Tracy Ann Vivlemore - Art Unit 1635	Client:	1372.133.PRC
Fax:	(571) 273-8300	Pages:	4 including coversheet
Phone:	(571) 272-2914	Date:	August 5, 2005
Re:	USPN 10/708,239	CC:	University of South Florida

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Dear Examiner Ngo:

In response to the non-final office action mailed July 11, 2005, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated August 5, 2005 (1 page); and
- 2) Response to Election/Restriction Requirement with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated August 5, 2005 (2 pages).

Very respectfully,

Ronald E. Smith  
Reg. No. 28,761

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

AUG 05 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/708,239  
Applicant: : William Douglas Cress, Jr.  
Filed: : 02/18/2004  
Art Unit : 1635  
Examiner : Tracy Ann Vivlemore

Confirmation No.: 2238

Docket No. : 1372.133.PRC  
Customer No. : 21,901  
For : E2F1 RNA Inhibitor to Prevent Apoptosis

Faxed to Technology Center 1600 at (571) 273-8300  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT TRANSMITTAL

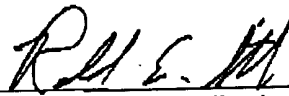
1. Transmitted herewith is a Response to Election/Restriction Requirement for this application.

## STATUS

2. Applicant is an independent inventor.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

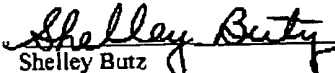
  
SIGNATURE OF PRACTITIONER  
Ronald E. Smith  
Smith & Hopen, P.A.  
15950 Bay Vista Drive, Ste. 220  
Clearwater, FL 33760  
(727) 507-8558

Reg. No.: 28,761  
Customer No.: 21,901

CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1635, Attn: Tracy Ann Vivlemore, (571) 273-8300 on August 5, 2005.

Dated: August 5, 2005

  
Shelley Butz

(Amendment Transmittal—page 1)

AUG 05 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/708,239 Confirmation No.: 2238  
Applicant: : William Douglas Cress, Jr.  
Filed: : 02/18/2004  
Art Unit : 1635  
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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the nonfinal Examiner's Action mailed July 11, 2005, having a shortened statutory period for response set to expire August 11, 2005, the above-identified patent application is amended a first time as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects to prosecute the claims drawn to a method of modulating apoptosis in a target cell population by regulating expression of E2F1, classified in class 514, subclass 44. The claims readable thereon are claims 1-5.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,  
SMITH & HOPEN

By: 

Ronald E. Smith  
Suite 220  
15950 Bay Vista Drive  
Clearwater, FL 33760  
(727) 507-8558  
Attorneys for Applicant

Dated: August 5, 2005

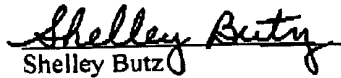
pc: University of South Florida

(Response to Restriction Requirement for USSN: 10/708,239 - Page 1 of 2)

CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this response is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1635, Attn: Tracy Ann Vivlemore, (571) 273-8300 on August 5, 2005.

Dated: August 5, 2005

  
Shelley Butz

(Response to Restriction Requirement for USSN: 10/708.239 - Page 2 of 2)